

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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2003 DEC -3 P 3: 24

U.S. DISTRICT COURT  
DISTRICT OF MASS.

NATIONAL RAILROAD PASSENGER  
CORPORATION,

Plaintiff,

03 Civ.

v.

5,103 SQUARE FEET OF LAND,  
LOCATED AT 40-46 HARVARD  
STREET, SITUATED IN WESTWOOD,  
MASSACHUSETTS; MORTIMER B.  
ZUCKERMAN AND EDWARD H. LINDE,  
TRUSTEES OF THE 40-46 HARVARD  
STREET TRUST, OWNERS; AND  
UNKNOWN OTHERS,

Defendants.

03 12440 DPW

MOTION OF THE NATIONAL RAILROAD PASSENGER CORPORATION  
TO MAKE DEPOSIT OF FUNDS IN COURT

Pursuant to Fed. R. Civ. P. 71A, Plaintiff National Railroad Passenger Corporation ("Amtrak") hereby seeks to make a deposit of funds with the Court. In support of this Motion, Amtrak states as follows:

This case is a condemnation proceeding brought pursuant to 49 U.S.C. § 24311. The condemnation is necessary to support Amtrak's provision of intercity rail passenger transportation service.

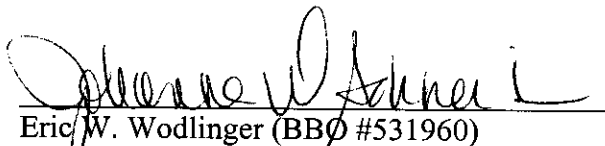
12/3/03. Allowed  
Dwight P. Wardlock,  
U.S.D.-7

Pursuant to 49 U.S.C. § 24311 and Fed. R. Civ. P. 71A (j), Amtrak seeks to deposit \$51,000 in Court, to be placed into an interest-bearing account (the Court Registry Investment System ("CRIS")). This sum is the estimated just compensation for the property.

WHEREFORE, Amtrak respectfully requests that the Court enter an order (a form of which is attached hereto as Exhibit A) permitting Amtrak to deposit \$51,000 with the Court in accordance with 49 U.S.C. § 24311 and Fed. R. Civ. P. 71A (j).

Respectfully submitted,

NATIONAL RAILROAD PASSENGER CORPORATION  
By its Attorneys,

A handwritten signature in black ink, appearing to read "Eric W. Wodlinger", is written over a horizontal line.

Eric W. Wodlinger (BBO #531960)

Johanna W. Schneider (BBO #643744)

Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000

Dated: December 2, 2003

**Exhibit A**

Form of Order